

REMARKS/ARGUMENTS

Summarizing this amendment, claims 1, 2, 10, 16 and 19 have been amended and claims 3-9, 11-15 and 17-18 remain unchanged. Thus, claims 1-19 are again presented for the examiner's consideration.

Applicant has amended claims 1, 2, 10, 16 and 19 with the examiner's concerns about clarity in mind. Claim 2 now specifies that the cutouts simply "open out" of the gear segments for the leaves and in claims 10 and 16 that the cutout of the one leaf opens "toward", not "into", the cutouts of the other leaf. Moreover, the claims now specify that the cap merely fits "over" the gear segments of the leaves, the expression "and behind" having been eliminated.

However, the claims continue to recite that the pivot members "cooperate" to obscure the interior of the cap and the electrical conductor where it passes through that interior. The word "cooperating" seems well suited for describing the meshing gear segments illustrated in the drawings and the alternative discussed in the last paragraph of the specification. Reconsideration of the objection to the word "cooperating" is requested.

In claim 10, the expression "a cutout in the plate and gear segment" seems perfectly clear. Referring to the drawings, each leaf has a plate 34 and a gear segment 36 and also a cutout 44 that lies within the plate 34 and the gear segment 36, interrupting the latter.

Likewise, in claim 16, the expression "a first pivot member in the cutout of the jamb leaf" appears to be clear enough. The drawings show and the

specification describes the pivot members 60 and 62 in the cutouts 44 of the leaves 20 and 22.

With regard to the “meshing gear segments” on the pivot members, the drawings show meshed gear segments 66 on the pivot members 60 and 62 and the specification recites that they mesh (page 7, line 20). Again applicant fails to see where the examiner’s concerns reside.

Turning now to the rejection of all claims under 35 USC 103 for describing a hinge that the examiner considers to be obvious in view of the combined teachings of U.S. patent 6,073,310 (Baer) and U.S. patent 3,132,911 (Heidler), applicant disagrees with the examiner’s conclusions and requests reconsideration. In the first place, one skilled in designing hinges would not be expected to combine the Baer and Heidler patents to produce anything, much less applicant’s invention as set forth in the claims. Secondly, even the combined teachings do not respond to the claims.

The burden rests with the examiner to establish a prima facie case of obviousness. Under M.P.E.P. § 2143, this requires that three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or to combine references. Secondly, there must be a reasonable expectation for success. Finally, the prior art references, when combined, must teach or suggest all the claimed limitations.

If a prior art reference requires some modification in order to meet the claimed invention or requires some modification in order to be properly combined

with another reference and such modification destroys the purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found a reason to make the claimed invention. See: M.P.E.P. § 2143.01. In other words, the proposed modification cannot render the prior art unsatisfactory for its intended purpose.

Here the hinges of the Baer and Heidler patents are so diverse that no one would consider combining them. The Baer and Heidler hinges do not look similar and they appear to be designed for different purposes. One swings 180° at best and supports a door; the other seems to be designed to enable wall or panel members to swing 360°. If one were to expect success in incorporating the electrical conductor of Heidler into the Baer hinge, the Baer hinge must have some way of accommodating that conductor, but the Baer hinge appears to be totally devoid of any way to accommodate a conductor. Indeed, one skilled in the art would not expect a success with the combination proposed by the examiner. But even the two references together do not teach or suggest the claimed limitations.

Considering independent claim 1, it calls for two hinge leaves provided with meshing gear segments. It also calls for a pivot member mounted in a fixed position on each leaf. This requires that the pivot members are separate and that one rotates relative to the other because the hinge leaves pivot relative to each other. After all, that is what a hinge is all about. In the official action the examiner applies the various elements of the claim to the Baer hinge, reciting reference numerals from the patent and identifying them with the claim elements

– that is, all but the pivot members and the electrical conductor. To be sure the examiner recognizes that the Baer hinge has no electrical conductor. But where are the pivot members in the Baer patent – or in the Heidler patent? Certainly, the bearing blocks 36 of the Baer patent cannot be considered pivot members because they are not fixed in position with respect to the leaves and cannot pivot relative to each other. The pivot do not exist in the Baer and Heidler patents so together those patents do not teach or suggest the claim limitations. In this regard, the claim not only specifies that the pivot members are mounted in fixed positions on their respective hinge leaves, but further requires that the electrical conduct extends between the two hinge leaves within the interior of the cap that holds the two hinge leaves together and that the two pivot members cooperate to obscure that interior. This denies access to the electrical conductor in the region between the two hinge leaves, thus making electrical circuits secure between the two leaves.

Surely, the Heidler patent does not suggest this feature. It shows a flexible element 56 that is electrically conductive (col. 3; line 9), but the element 56 appears to be exposed when the hinge is open and for that matter when the hinge is in any of its positions. Hence, the combined teachings of the Baer and Heidler patents do not meet or remotely suggest all of the limitations of claim 1.

Claims 2 and 9 depend from claim 1 and are believed to be allowable for the reasons advanced in the discussion of claim 1. The examiner has acknowledged that claims 7 and 8 avoid the prior art.

Appl. No. 10/467,372
Amdt. dated May 24, 2005
Reply to Office action of February 28, 2005

Independent claim 10 is even more limited in scope than claim 1 and is likewise believed to be allowable. The same holds true for claims 11-13 and 15 which depend from claim 10. The examiner has acknowledged that dependent claim 14 avoids the prior art.

Independent claim 16 contains most of the same limitations and then some. It is likewise believed to be allowable, and the same holds true for claims 17-19 which depend from it.

In view of the foregoing favorable consideration and allowance of the application with 19 claims – namely, claims 1-19 are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward A. Boeschstein". The signature is fluid and cursive, with the first and last names being more prominent.

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